



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Electrical Examiners
MEETING DATE AND TIME:	Wednesday, November 4, 2009
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	May 5, 2010

MEMBERS PRESENT

Ronald Marks, Professional Member, President
Robert Sharp, Professional Member Vice president
Donald Collins, Public Member
Donald Poore
Robert MacLennan
Jerry Craig, Professional Member
Richard Millar, Public Member

ALSO PRESENT

Robert Forrester
Robert Montgomery
Bill Foraker
William King
Donald Grant
Shumail Jafri
Juli LaBadia, Court Reporter

ABSENT

Joseph Sparco, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Catherine Hickey, Deputy Attorney General
Judy Letterman, Administrative Specialist III

CALL TO ORDER

Mr. Marks called the meeting to order at a.m.

REVIEW OF MINUTES

A motion was made by Mr. Collins seconded by Mr. Poore to approve the October 7, 2009 meeting minutes as amended. The motion was unanimously carried.

UNFINISHED BUSINESS

Rule to Show Cause Hearings

Donald Grant

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, a letter of response from Mr. Grant that he would be attending the hearing, audit notice sent to Mr. Grant, Board audit worksheets, letter from Board of ce deficiency, a letter of explanation from Mr. Grant and a certificate of insurance.

Mr. Grant was sworn in and testified that he had been in business for 30 years and was not aware he needed to take ce for each renewal period. He provided the Board with a ce certificate which show he completed 10 hours on September 11, 2009.

A motion was made by Mr. Marks, seconded by Mr. Collins to issue a letter of reprimand for failure to comply, flag his file for audit for the next renewal, accept course #080901 for compliance and the course can not be used for the next renewal period, 2010. The motion was unanimously carried.

William King

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, a letter of response from Mr. King that he would be attending the hearing, audit notice sent to Mr. King, ce and insurance information received, Board's audit worksheet and letter from the Board concerning the insurance deficiency.

Mr. King was sworn in and gave testimony and provided the Board with the insurance certificate of liability.

A motion was made by Mr. Collins, seconded by Mr. Sharp to accept Mr. King's certificate of liability insurance. The motion was unanimously carried.

Robert Montgomery

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, a computer screen print out of Mr. Montgomery's license information, audit notice sent to Mr. Montgomery, ce and insurance information received from Mr. Montgomery, Board's audit worksheet, letters from Board advising of deficiency, documentation of communication between Mr. Montgomery and Board administrator, and a certificate of liability insurance.

Mr. Montgomery was sworn in.

Mr. Montgomery informed the Board that at the time he renewed his license he was working for someone and thought he would be covered under the employers insurance policy; he no longer works for that company. When he requested the insurance information it was not submitted by the employer and he later was informed that the employer did not have coverage at the time he was employed. Mr. Montgomery informed the Board that he does have current insurance coverage.

A motion was made by Mr. MacLennan, seconded by Mr. Poore to accept the liability insurance certificate. The motion was unanimously carried.

Robert Forrester

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, audit notice sent to Mr. Forrester, ce information, Board's audit worksheet, letters from Board advising of deficiency, a letter of explanation from Mr. Forrester, certificate of completion of 10 ce's and certificate of liability insurance.

Mr. Forrester was sworn in and testified that when he found out the course he had taken with the Middle Department Inspection Agency was approved by the Board, so he completed a board approved course in May 2009.

A motion was made by Mr. MacLennan, seconded by Mr. Craig to accept the 2008 ce credits and the May 2009 course can be used for the 2010 renewal period. The motion was unanimously carried.

William Foracker

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Foracker was sworn in and gave testimony.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, audit notice sent to Mr. Forrester, ce information, Board's audit worksheet, letters from Board advising of deficiency, a letter of explanation from Mr. Forrester, certificate of completion of 10 ce's and certificate of liability insurance.

A motion was made by Mr. Craig, seconded by Mr. Sharp to accept Mr. Foracker's ce certificate for the 10 hours course. The motion was unanimously carried.

Shumail Jafri

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education. Mr. Jafri's original hearing was held on June 3, 2009 and documentation was received by the Division after the hearing. She asked if the Board wanted to reopen the hearing to consider the documentation or keep the decision rendered.

A motion was made by Mr. Marks, seconded by Mr. MacLennan to consider the documentation. The motion was carried by a majority vote, Mr. Sharp opposed the motion.

Board members were introduced.

Mr. Jafri was sworn in and informed the Board that he was out of the State and unaware of the June 3rd hearing and had someone drop off his ce information.

The Board went off the record and into deliberations

The Board went back on the record.

A motion was made by Mr. MacLennan, seconded by Mr. Millar to rescind the revocation of his license from the June hearing under review of the additional documentation which shows he was not required to obtain ce for the 2008 renewal period, and since Mr. Jafri did not appear at the June 3rd hearing place him on probation for 1 year and flag his file for the 2010 audit. The motion was unanimously carried.

Michael Kokler

Mr. Kolker was contacted and participated in the hearing by telephone.

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, computer print out of Mr. Kolker's license information, ce information received in response to audit notice, Board's audit worksheet, letters from Board advising of deficiency, and notes from Ms. Letterman of conversations with Mr. Kolker

Mr. Kolker gave testimony that he takes courses through the union hall and the seminars are presented by individuals who are members of the National Electrical Code Board. He also stated that this course had not been submitted for Board approval.

A motion was made by Sharp, seconded by Mr. MacLennan to suspend his license until the Board receives and approves the ce certificates and he submits proof of the liability insurance that was in effective on November 16, 2008, this information must be received by December 1, 2009 if received prior to the signing of the final Decision and Order the suspension will not go into effect. The motion was unanimously carried.

John Ryan

Mr. Ryan had asked to participate by telephone but the Board was unable to reach him. The Board has tabled the hearing until the January 2010 meeting.

Armond Coco Jr

The hearing will be rescheduled for the January meeting.

James Jenkins

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Jenkins was not present.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, computer print out of Mr. Jenkins license information, audit notice sent to Mr. Jenkins, ce and insurance information, Board's audit worksheet, letters from Board advising of

deficiency, and documentation of communication from Mr. Jenkins stating he submitted the additional information. Board 2, notice of today's hearing with returned envelope as unclaimed.

The Board went off the recorded to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks, seconded by Mr. Poore that since Mr. Jenkins did not submit insurance and appropriate continuation education his license should be revoked. The motion was unanimously carried.

Richard Leuci

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Leuci was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, with a copy of the results from the USPS showing the hearing notice was unclaimed, a computer print out of Mr. Leuci's license, notice of May 6, 2009 hearing sent to the same address as the notice for today's hearing, ce information received in response to the audit notice, Board's audit worksheet and letter from Board advising of deficiency.

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks, seconded by Mr. Sharp that Mr. Leuci failed to supply a copy of his liability insurance, he was notified of his audit deficiency, there has been no correspondence and his license should be revoke. The motion was unanimously carried.

Darryl Lewis

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Lewis was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, audit notice sent to Mr. Lewis, ce and insurance information, Board's audit worksheet,

letters from Board advising of deficiency and communication from Mr. Lewis and response of Ms. Letterman. Exhibit 2, notice to today's hearing and signed receipt card.

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks, seconded by Mr. MacLennan that Mr. Lewis failed to comply with the Board request to provide proof of insurance coverage at the time of renewal, no addition information has been received his license is revoked. The motion was unanimously carried.

Darryl Malone

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Malone was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, print out of computer screen with information about Mr. Malone's license, audit notice, ce and insurance information in response to follow up request, Board audit worksheet, letter advising of deficiency, Exhibit 2 notice of today's hearing and signed certified receipt card from U.S. postal service, Exhibit 3 insurance certificate received September 9, 2009.

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks, seconded by Mr. MacLennan to suspend his license until receipt of proof of additional ce which can not be used for current renewal period. The motion was unanimously carried.

Wayne Miller

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Miller was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal

service, print out of computer screen with information about Mr. Miller's license, audit notice, ce Board audit worksheet and letter advising of deficiency .

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks, seconded by Mr. MacLennan to issue a monetary fine, flag for 2010 audit and continuing education submitted can not be used for next renewal. The motion was unanimously carried.

Richard Sause

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Sause was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, print out of computer screen with information about Mr. Sause's license, audit notice, ce and insurance information in response to follow up request, Board audit worksheet, letter advising of deficiency , Board 2 notice of today's hearing with computer confirmation of delivery to city and state of address on file.

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. MacLennan, seconded by Mr. Sharp to revoke his license since he failed to obtain the continuing education. The motion was unanimously carried.

Joseph Smith

A motion was made by Mr. Marks seconded by Mr. Sharp to table the hearing and request a copy of insurance that was in effect at the time of renewal and additional 5 ce hours. The motion was unanimously carried.

Brian Venuto

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Venuto was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, print out of computer screen with information about Mr. Venuto's license, audit notice, ce Board audit worksheet, letter advising of deficiency, letter from Mr. Venuto requesting opportunity to correct deficiency. Exhibit 2 notice of today's hearing with signed certified receipt card from the U.S. postal service and Mr. Vento's response.

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks, seconded by Mr. Collins to suspend his license until receipt of 10 hours of board approved continuing education and proof of insurance that was in effect at the time of renewal, he will have 60 days to be in compliance and if he has not complied within 60 days the license will be revoked. The motion was unanimously carried.

Marshall Williams

Table until the January meeting

Raymond Burton

Ms. Hickey stated that today's hearing was the result of the Board's post renewal audit, the Board issued notice to show cause as to why his license should not be suspended or revoked or otherwise sanction based on his failure to submit documentation of completing the required continuing education.

Board members were introduced.

Mr. Miller was not in attendance.

Ms. Hickey presented into evidence Board Exhibit 1, a packet of documents including today's hearing notice dated September 2, 2009, a signed certified receipt card from the U.S. postal service, print out of computer screen with information about Mr. Burton's license, audit notice, ce and insurance information in response to follow up request, Board audit worksheet, letter stating he will beauty of town and how to resolve the issue

The Board went off the record to deliberate.

The Board went back on the record.

A motion was made by Mr. Marks seconded by Mr. Collins to revoke the license due to no response to the post renewal audit. The motion was unanimously carried.

Timothy Kitchens

Mr. Kitchens is currently deployed.

Verbatim testimony was taken by the court reporter.

Re-Review of Applications

A motion was made by Mr. Sharp, seconded by Mr. Marks to approve for the master examination the application of Kevin Bryant and Wesley Saunders. The motion was unanimously carried.

A motion was made by Mr. Sharp, seconded by Mr. Collins that due to time constraints to table the application of Alfred Aus, Jr. The motion was unanimously carried.

Complaint Open/Closed

01-06-08-Assigned
01-07-08-Assigned
01-09-08-Forward to AG's office
01-10-08-Forward to AG's office
01-11-08-Assigned
01-12-08-Assigned
01-01-09-Assigned
01-02-09-Assigned

Schedule Propose to Deny Hearing

Mr. Kiss has responded to the Board's letter proposing to deny his application and has requested a hearing.

Ms. Letterman informed the Board that she spoke with Mr. Kiss who submitted his tax Schedule C's thinking that he had submitted evidence of 5 years of experience after licensure. However since his NJ license was issued August 2004 he only had 4 years of qualified experience; year 5 would be the 2009 tax form Schedule C which he will not have until after December 31, 2009.

A motion was made by Mr. Poore, seconded by Mr. Millar to table the application and ask Mr. Kiss to submit his tax information instead of having a hearing. The motion was unanimously carried.

NEW BUSINESS

Ratification of Reciprocity Applications

There were no applications to ratify.

Review of Reciprocity Applications

A motion was made by Mr. Collins seconded by Mr. Craig to approve the applications of Brian Smith, Michael Brinskelle, Phillip Shepley, John Rowe and Vincent Imperato. The motion was unanimously carried.

A motion was made by Mr. Collins seconded by Mr. Poore to approve contingent upon receipt of current insurance the applications of James Marsden and Robert Slack. The motion was unanimously carried.

Review of Examination Applications

A motion was made by Mr. Sharp, seconded by Mr. MacLennan to approve the application of Thomas Kelly, Joshua Stevens, Pasquale Mattia and James Middleton. The motion was unanimously carried.

Review of Continuing Education

Walter Granger

2008 NEC Continuing Education Seminar, 5 hours

United Electric Supply

Medium Voltage Splicing & Terminating, 2 hours

Construction Continuing Education Ctr

Electrical Safety: NFPA 70E online, 4 hours

Jade Learning Inc.

Lockout/Tagout, online, 5 hours

Review of Reciprocity Statute

Tabled.

OTHER BUSINESS BEFORE THE BOARD

Ms. Letterman informed the board that they have scheduled a meeting on December 2 to review post renewal audit however only half the licensees have responded to the late renewal audit.

Ms. Hickey provided the Board with a draft of the proposed statute change that addresses renewal dates for inspection agencies. The board approved the draft and request that it be submitted to the Division Director.

Mr. Poore informed the board that he will not be available for the December meeting.
Mr. Collins will not be available for the Boards next 5 meetings.

PUBLIC COMMENT

Mr. Keis asked why there isn't an effective date on the ce course approval form and why the courses are only approved for a specific time. He was informed that the current form is on the website the courses are approved based on the change in the electrical code to make sure the licensee are taking courses based on the current code.

NEXT SCHEDULED MEETING

The next scheduled meeting will be held on Wednesday, December 2, 2009 in Conference Room A second floor of the Cannon Bldg. 861 Silver Lake Blvd. Dover DE. This meeting will be to review the post renewal audits.

ADJOURNMENT

A motion was made by Mr. Sharp, seconded by Mr. MacLennan to adjourn. The motion was unanimously carried. The meeting was adjourned 2:00 pm.

Respectfully submitted,

Judy Letterman
Administrative Specialist III